SIKKIM

GOVERNMENT GAZETTE

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GOVERNMENT OF SIKKIM
FOREST AND ENVIRONMENT DEPARTMENT
GANGTOK DISTRICT

No: GoS/FED/PCCF-Pr.Secy/06 **Date: 23.04.2025**

NOTIFICATION

In exercise of the powers conferred by clause (h) of sub-section (2) of Section 83 of the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988, the State Government hereby makes the following rules namely:-

Short title, extent and Commencement

1. (1) These rules may be called the Sikkim Private and Other Non-Forest Lands Tree Felling Rules, 2025.

(2) They shall extend to the whole of Sikkim.

(3) They shall come into force on the date of their publication in the Official Gazette.

Definition

2. (a) In these rules, unless the context otherwise requires,- "designated online portal" means the web portal designated for the purpose of issues of marking order under this rule by the Forest and Environment Department;

(b) "Forest Officer" means an officer of that designation within whose territorial jurisdiction the private lands or other non-forest land falls;

(c) "marking order" means an order for marking tree with an approved means for felling a tree by an authorised forest officer;

(d) "other non-forest land" means any land not recorded as forests in any Government Records and not being private land, but recorded in the name of the Government or any institutions in the record of rights of the Government as per the cadastral survey of 1952;

(e) "private land" means any land not recorded as forests in any Government Records and standing in the name of any person or persons in record of rights of the Government as per the cadastral survey of 1952.

Trees not to be felled.

3. No permission to fell a tree on any private or other non-forests land shall be granted except as hereinafter provided.

Persons to apply for tree felling

4. Any person, hereinafter called the applicant, who wishes to fell a tree or trees in his private or other non-forest land shall apply through the designated online portal or through a prescribed application form.

Provided that not more than one application shall be made for a land in the same location in a year.

Tree which can be felled

5. The trees in private or other non-forest land shall be felled only if the following conditions are fulfilled, namely: -

(a) any tree, which is dead or a tree which is posing immediate danger to life and property as determined by the notified authorised forest officer or by a notified authorised authority for this purpose, can be marked for felling without having consideration to any other conditions;

(b) for all other trees the following conditions have to be fulfilled, namely: -

(i) the tree should not be standing within 20 feet from the edge of a gully, stream bank or edge of a precipitous slope;

(ii) the tree should not be standing on a landslide, landslip, eroded surface, bank of a jhora or stabilized landslide falling within private land or other non-forest land;

(iii) the tree should not be standing on a general slope of more than 70 degrees to the horizontal;

(iv) the tree should not belong to a category of species reserved by the Government under provisions of any forest laws or rules nor should the tree be a mother tree being capable of producing good seeds as determined by forest officers;

(v) the tree should not have high ecological value such as rare growth of epiphytes:

Provided that the Government may pay such compensation as it seems adequate to reserve any such tree that in its opinion needs to be preserved on account of its ecological value.

Procedure to be followed

6. (1) The following procedure shall be followed on receipt of application for felling of tree namely:-

On receipt of application, an authorised Forest officer shall assign the task to verification forest officer. The State Government may by notification authorise or empower forest officers for different purposes under these rules.

(2) The verification forest officer shall then prepare inspection report containing his recommendation if he is satisfied that the conditions of these rules are fulfilled or may reject the same after recording his reasons and submit it to the next higher authority or upload it in the designated online portal.

(3) The application shall then be processed by the empowered forest officer for approval and issue of marking order in the designated online portal according to the powers vested at various levels of forest officer as per the Notification issued in the Official Gazette by the Government from time to time.

(4) Upon approval by the empowered forest officer, the QR coded Marking order shall be issued in the designated online portal or a Manual Marking order shall be issued by the concerned Divisional Forest Officer having Territorial Jurisdiction.

(5) An authorised forest officer may reject any recommendation to mark a tree for felling by recording reasons for such rejections at any stage of the application prior to his approval or forwarding it to next higher authority.

(6) After marking order is issued to the applicant, the authorised forest officer shall mark the tree(s) for felling.

Additional Conditions for issuance of marking order in "other non-forest lands" as defined in clause (d) of the Rule 2.

7. If the applicant seeks marking order for trees standing on other non-forest lands, he shall attach a management plan stating how he plans to use the land where he intends to fell trees:

Provided that if trees are to be felled for any non-forestry project, which is to be undertaken by any department, institution or agency, whether by government or otherwise, then he shall pay online/by demand draft in favour of Forest and Environment Department for carrying out the requirement of planting of saplings as per management plan to the Forest and Environment Department on the basis of an estimate to be drawn up by the concerned Divisional Forest Officer, before the marking order is issued. The Forest and Environment Department shall then plant the saplings on any such other non-forest land.

Responsibilities of applicant of Private Land granted Marking order

8. All applicants of private land to whom marking order is granted may voluntarily do plantation in his/her land holdings and participate in tree plantations drive organized by the department and shall raise saplings in his land holding and liberally provide saplings free of cost to other volunteers for plantations in their vicinity.

Removal of Trees for construction purpose in private lands

9. When the applicant wishes to fell a tree or trees within private land to make way for construction of buildings, conditions of the rule 5 shall not apply. But this is subject to submission of building plan approved by the competent authority.

No restriction on lopping of trees in cultivable land

10. No restriction shall be placed on lopping of trees to encourage growth of cultivated crops on private land.

Penalty for violation of these rules

11. Felling of tree or trees in violation of the provisions of these rules shall be treated as a forest offence and the same shall be compounded as provided for in section 74 of the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988.

Repeal and saving

12. (1) The Sikkim Private and Other Non-Forest Lands Tree Felling Rules, 2006 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of the powers conferred by or under that rules shall be deemed to have been done or taken in exercise of the powers conferred by or under these rules as if these rules were in force on the day on which such thing was done or such action was taken.

By order and in the name of Governor.

Pradeep Kumar, IFS
Principal Secretary-cum-PCCF
Forest and Environment Department
Government of Sikkim
File No:- 13/GOS/F&ED/Territorial/2024-25